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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/314,119	05/19/1999	YACINE SMAIL EL KOLLI	1807.0652	4719

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EXAMINER

TRAN, THIEN D

ART UNIT PAPER NUMBER

2665

DATE MAILED: 11/26/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/314,119

Applicant(s)

EL KOLLI, YACINE SMAIL

Examiner

Thien D Tran

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5, 7-16, 18-20, 30-41, 55 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5, 7-16, 18-20, 30-41 and 55 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. Claims 1, 7, 12, 18 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Regarding claims 1, 7, 12 and 18, the limitation “the data item representing the source node being placed in addition to the virtual channel in order to enable the destination node to identify the virtual channel used by the user data” is not disclosed in the specification”.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily

published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. Claims 1-5, 7-16, 18-20, 55 are rejected under 35 U.S.C. 102(e) as being anticipated by Hodgkinson (WO 97/36453).

Regarding claims 1, 7, 12, 18, 55, Hodgkinson discloses a method of transmitting on a network having at least one switch enabling information to be transmitted on at least one path between a so called "source" node and a so-called "destination" node during a communication session, the said network being adapted to transmit data in at least one connected mode, in which the isochronous data is transmitted, and at least one non-connected mode, in which the asynchronous data is transmitted, the said session including the transmission of at least one packet, each packet including on the one hand so-called "user" data and on the other hand header information (additional data) defining notably the path on the said network which the said user data will follow, when each packet is received, the destination node performs:

- an operation of reading the said header information (additional data), and
- an operation of determining the transmission mode, connection (connected) or connectionless (non connected), taking into account at least some of the said additional data,

wherein, the header information (additional data) includes a data item representing a virtual channel and a data item representing the source node and, during the determination operation, the destination node takes into account the said data items representing both the virtual channel and the source node in order to determine the

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transmission mode, connected or connectionless (not), the data item representing the source node being placed in addition to the virtual channel in order to enable the destination node to identify the virtual channel used by the user data" is not disclose in the specification. See col.3 lines 5-25, col.6 lines 15-35, col.8 lines 20-30.

Regarding claims 2, 8, 13, 19, Hodgkinson discloses that the destination node has a memory in which additional so-called "reference" data are stored and the operation of determining the transmission mode includes an operation of comparing the said additional reference data and additional data read during the reading operation. See col.9 lines 10-25.

Regarding claims 3, 9, 14, 20, Hodgkinson discloses that, during the transmission mode determination operation, the transmission mode is determined as connection when on the one hand the said additional data read and on the other hand the said OF data (additional reference data) are identical. See col.10 lines 15-30.

Regarding claims 4, 10, 15, Hodgkinson discloses that when, during the transmission mode determination operation, it is determined that the transmission mode is connectionless, the method includes an operation of reading, in the first packet containing the said information, header information (additional data) relating to the said information and intended to organize its transmission. See col.11 lines 5-25.

Regarding claims 5, 11, 16, Hodgkinson discloses that, when the transmission mode is connected, the method includes an operation of reserving a virtual channel between the source node and the destination node, the said reservation operation being

effected as a preliminary to a transmission of the said information. See col.3 lines 10-25.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 31-41, rejected under 35 U.S.C. 103(a) as being unpatentable over Hodgkinson (WO 97/36453) in the view of Feldman et al (US 6148,000).

Regarding claims 31-41, Hodgkinson discloses a method of transmitting user data on a switched network between a so-called "source" node having a unique identifier on the said network and a so-called "destination" node, a method including, performed by the source node:

- an operation of determining data of the header (additional outward data defining notably), in its entirety, the path to be followed on the said network by the said user data, and

- an operation of sending, by the source node, at least one packet of said user data and the said additional outward data which relate to it,

- during the additional outward data determination operation, the source node defining additional outward data representing the said unique identifier of the source node (col.9 lines 10-20), and

-the method including, performed by the destination node, on reception of each packet:

an operation of reading the said identifier in the said additional outward data, and
an operation of checking the correct reception of the user data and, in the event of correct reception (col.7 lines 1-5):

an operation of determining additional return data defining notably a path going from the said destination node to the node identified by the said identifier.

Hodgkinson does not disclose an operation of acknowledging by sending acknowledgement data indicating the correct reception of the said user data and of the said additional return data.

However it would have been obvious to one having ordinary skill in the art to the acknowledgment feature as described above in the ATM switching network. Feldman (figures 5-7, col.11 lines 10-50, and col.15 lines 30-60), for example, discloses operation of acknowledging by sending acknowledgement data indicating the correct establishing of cell connection (correct reception of the said user data) and of the VC of the connection (additional return data), wherein the VC representing a virtual channel which the said user data must follow, the unique identifier from the source router to the destination router. Therefore, implementing an acknowledgment operation of Feldman to the system of Hodgkinson is a well-known technique to ensure the reliability of the switching network.

Conclusion

6. Any inquiry concerning this communication or earlier communication from the examiner should be directed to Thien Tran whose telephone number is (703) 308-4388. The examiner can normally be reached on Monday-Friday from 8:30AM to 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy Vu, can be reached on (703) 308-6602. Any inquiry of a general nature of relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

Thien Tran



ALPUS H. HSU
PRIMARY EXAMINER